

Message

From: Schoellkopf, Lynde [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=739D462E81EF4540A4994C7D907C2595-SCHOELLKOPF, LYNDE]
Sent: 5/17/2021 1:38:30 PM
To: Bartley, Richard [Bartley.Richard@epa.gov]; Puplampu, William [puplampu.william@epa.gov]
Subject: RE: Sterigenics litigation in New Mexico - discovery order?

Thanks so much Rick.

From: Bartley, Richard <Bartley.Richard@epa.gov>
Sent: Friday, May 14, 2021 11:49 PM
To: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>; Puplampu, William <puplampu.william@epa.gov>
Subject: RE: Sterigenics litigation in New Mexico - discovery order?

After I gave her the cause number, she said "Oh, you mean the April 22 Order" and read me back the EPA Region 6 address that it was mailed to. I asked her to add: (Mailcode: 6RC) and Attn: James McGuire to the address. Since the certificate of service says, "I hereby certify" that a copy of the Order was mailed on April 22, 2021, it was a bit awkward to ask her to verify the certification.

From: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>
Sent: Friday, May 14, 2021 4:25 PM
To: Bartley, Richard <Bartley.Richard@epa.gov>; Puplampu, William <puplampu.william@epa.gov>
Subject: RE: Sterigenics litigation in New Mexico - discovery order?

Thanks Rick – for DOJ purposes – did she confirm when the original copy and where it was sent? Would like to report back to DOJ that something was in fact sent – but we did not receive for whatever reason – so making sure court sent to correct person, address, etc. would be helpful info.

From: Bartley, Richard <Bartley.Richard@epa.gov>
Sent: Friday, May 14, 2021 4:22 PM
To: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>; Puplampu, William <puplampu.william@epa.gov>
Subject: RE: Sterigenics litigation in New Mexico - discovery order?

Done. Clerk said she would get it in the mail today.

From: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>
Sent: Friday, May 14, 2021 4:03 PM
To: Puplampu, William <puplampu.william@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>
Subject: FW: Sterigenics litigation in New Mexico - discovery order?

Can one of you call the NM judicial clerk and see what date / when, and where (specific address) the New Mexicoi dist. Ct. mailed EPA the attached amicus order, please? Lorena cannot find a paper copy in the office and it would be good to report back to DOJ on Wed. with the facts. In addition, can you ask the court to resend /re-mail the order with it being mailed to James McGuire's attention?

Clerk's Number- 575-528-8316 Third Judicial District Court

Thanks.

From: Schoellkopf, Lynde
Sent: Monday, May 03, 2021 11:16 AM
To: McGuire, James <McGuire.James@epa.gov>; Suzanne Smith <Smith.Suzanne@epa.gov>
Subject: FW: Sterigenics litigation in New Mexico - discovery order?

FYI. let me know what else you think I can do – will of course let you know if OGC finds something. It would be wise for Lorena to check with the mailroom too since something was apparently mailed 4/22 – and clerk will not send e-copy. You can re-request that clerk resend a paper copy.

Clerk's Number- 575-528-8316 Third Judicial District Court

From: Schoellkopf, Lynde
Sent: Monday, May 03, 2021 11:11 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Sterigenics litigation in New Mexico - discovery order?

Thanks You Gautam.

In the meantime, I actually called the clerk's office in NM state court. She said there is some sort of order to EPA to file an amicus brief along with NMED – and that was mailed to EPA 4/22. We have not seen a paper version at Region 6– but with office closure, etc. I fear things get lost or delayed in reaching a physical inbox. The clerk will not send an electronic version. Please let us know if you all find anything on your end so that we do not miss a critical deadline. Thanks so much!

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, May 03, 2021 10:49 AM
To: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>
Subject: RE: Sterigenics litigation in New Mexico - discovery order?

I'll see what our paralegal can do.

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(202) 564-5647 (o)
(202) 695-6287 (c)

From: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>
Sent: Monday, May 3, 2021 11:43 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Sterigenics litigation in New Mexico - discovery order?

Gautam,

Our Regional Counsel and Acting RA are flagging the attached Sterigenics case for further information and updates to the case. A while back there was a motion to remove the case to Fed. Court. I had originally been in contact with David Harlow on updates here but understand he has since left the Agency. Unfortunately, the Region does not have Westlaw or PACER access to state court dockets– otherwise I would not bother you. If there is someone in your office that can pull the latest state court filings – super appreciate your help. Our Acting RA and RC seem to think there is an order to EPA/subpoena or some other NM-specific process for third party discovery?

Thank You!

Lynde

Lynde Schoellkopf | US EPA Region 6 | Office of Regional Counsel | Multimedia Counseling | 1201 Elm Street, Suite 500 | Dallas, Texas 75270 | phone: w: (214) 665-7359/c: (469) 597-0603

From: Schoellkopf, Lynde
Sent: Friday, April 30, 2021 4:40 PM
To: McGuire, James <McGuire.James@epa.gov>
Cc: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Murdock, James <Murdock.James@epa.gov>
Subject: RE: Sterigenics litigation in New Mexico - discovery order

We are not a party to the case. I referred the case to David Harlow, Senior Counsel at OAR while back. The last I spoke with him was when there was motion to remove the case to federal court. I checked Westlaw and the district court remanded this back to state court in April. Unfortunately, our Westlaw account does not allow access to New Mexico state court filings, so I don't have access to the docket that you are looking for. I will need to resend this request to him or I will have to see if someone at OGC has less restrictive access through PACER or another means. It is late in the day and not sure I can get someone to help at HQ today. Attached are the district court filings with the court's order remanding the case back to state court.

Lynde

From: McGuire, James <McGuire.James@epa.gov>
Sent: Friday, April 30, 2021 3:12 PM
To: Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>
Cc: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Murdock, James <Murdock.James@epa.gov>
Subject: Sterigenics litigation in New Mexico - discovery order
Importance: High

Lynde-

I just got an internal information request regarding the state court Sterigenics litigation in New Mexico. Can you let me know whether we have a discovery or related order in it, and if so what the deadline for response is? Copying Lorena just in case she saw a paper copy in the office. Here are the details that I been provided:

- 3rd District Court of Dona Ana County
- Judge Beyer
- Docket no. D307CB2020-2629
- If there is an order, what is the nature and is there a 45-day deadline applicable?

Thanks!

James McGuire
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Dallas, Texas 75270-2102
214-665-6560